

**25081. Misbranding of Devonshire's Earth Salts. U. S. v. Harry C. Johnson, trading as F. S. Powers & Co. Plea of guilty. Fine, \$25. (F. & D. no. 33883. Sample no. 65139-A.)**

Unwarranted curative and therapeutic claims were made for this article and its label bore an incorrect statement concerning its composition.

On March 7, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harry C. Johnson, trading as F. S. Powers & Co., Crystal Lake, Ill., alleging shipment by him, in violation of the Food and Drugs Act as amended, on or about March 10, 1934, from Crystal Lake, Ill., to Milwaukee, Wis., of a quantity of Devonshire's Earth Salts, which was misbranded. The article was labeled in part: (Package and carton) "Reg. U. S. Pat. Off. \* \* \* F. S. Powers & Co. 103 McHenry Avenue, Crystal Lake, Ill."

Analysis showed that the article consisted essentially of calcium phosphate and sodium chloride with small proportions of sulphur and compounds of iron, magnesium, potassium, and aluminum, including carbonate and silicate.

The article was alleged to be misbranded in that the carton in which it was shipped and a circular enclosed in the carton bore and contained false and fraudulent statements that it was effective, among other things, to maintain the gastric juice; to maintain the vital processes of the liver, spleen, bowels, and kidneys; to maintain the hair and skin; to maintain the bones and muscles; to maintain the nervous system; to build the other elements of the food into the body; to maintain the germ killers in the blood; effective as a body builder of the "whole visible animated creation of God"; effective as a germ killer; effective as a treatment, remedy, and cure for kidney disease, bowel trouble, and nervous disease; effective to ward off and cure disease; effective as a treatment, remedy, and cure for pneumonia, cancer, diphtheria, sore and ulcerated throat, typhoid fever, kidney and bowel trouble, appendicitis, intestinal worms and tapeworms, locomotor ataxia, nervous diseases, such as neuralgia, insomnia, nervous headaches, and paralysis, rheumatism, lumbago, sciatica, neuritis, stomach trouble, constipation, diseases of the kidney, spleen, and liver, gravel in kidneys, stone in the bladder, advanced kidney disease, hopeless cases of kidney disease, skin diseases, acne, inherited blood taint, incurable skin disease, malaria fever, high blood pressure, defective nutrition of the blood, boils, abscesses, goiter, tumors, stomach ulcers, chills, colds, bronchitis, snake bites, delirium tremens, alcoholic poisoning, diabetes, social diseases, heart trouble, heart leakage, all diseases of the teeth, menstruation, barrenness, and sterility; effective to maintain the skin in a healthy state; effective to remove all impurities from the blood; effective to insure normal birth and healthy children; and effective to produce rich human milk. Misbranding was further charged under the allegation that the statement, to wit, "The Earth Salts \* \* \* being an exact copy of the miners' matter found in the foodstuffs" borne on the carton, was false and misleading.

On December 18, 1935, a plea of guilty was entered, a fine of \$25 was imposed and costs were awarded against the defendant.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25082. Adulteration and misbranding of LaClyde Lemon Vegetable Soap; misbranding of Liberty Liniment, Cly-Tone Tonic, Ru-Co Female Tonic, LaClyde Lucky Bleaching Ointment, Liberty Nerve and Gland Treatment, Liberty Tonic, Ru-Co Skin Remedy, Sex-Co Restorative Tablets, 7As Pain Killer, Cly-Tone Pain Killer, 7As Iron Tonic, and Ru-Co The Wonderful Health Laxative. U. S. v. Clyde Collins Chemical Co., a corporation. Plea of guilty. Fine, \$871.20. (F. & D. no. 33889. Sample nos. 30476-A, 30479-A, 30510-A, 34238-A, 34248-A, 34314-A to 34319-A, incl., 34323-A to 34325, incl., 36819-A to 36822-A, incl., 41601-A, 46663-A, 46670-A.)**

Unwarranted curative and therapeutic claims were made for each of these articles; the vegetable soap was inaccurately represented to be an antiseptic.

On July 5, 1935, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Clyde Collins Chemical Co., a corporation, Memphis, Tenn., alleging shipments by it, in violation of the Food and Drugs Act as amended, in the period from March 21, 1933, to July 26, 1933, from Memphis, Tenn., to places in other States, of quantities of LaClyde Lemon Vegetable Soap, Liberty Liniment, Cly-Tone Tonic, Ru-Co Female Tonic, LaClyde Lucky Bleaching Ointment, Liberty Nerve and Gland Treatment, Liberty Tonic, Ru-Co Skin Remedy, Sex-Co Restorative Tablets, 7As Pain Killer, Cly-Tone Pain

Killer, 7As Iron Tonic, and Ru-Co The Wonderful Health Laxative. Each of the articles was labeled in part: (Box or carton or bottle) "Manufactured by Clyde Collins Chemical Co., 260 Madison Ave., Memphis, Tenn."

Analyses showed that LaClyde Lemon Vegetable Soap was a yellow solid containing chiefly sodium soap and a fluorescent dye; that Liberty Liniment was a solution of methyl salicylate in light petroleum distillate; that Cly-Tone Tonic was a dark brown aqueous solution of magnesium sulphate, containing also salicylates, small amounts of iron, chlorides, phenols, and flavoring matter, probably coumarin; that Ru-Co Female Tonic consisted essentially of water, alcohol, sugars, plant extractives bearing valerianic acid, and a small amount of iron and benzoic acid; that LaClyde Lucky Bleaching Ointment was an ointment containing ammoniated mercury (3.0 percent); that Liberty Nerve and Gland Treatment consisted essentially of sodium bicarbonate (92.3 percent) and starch; that Liberty Tonic consisted essentially of Epsom salt, extract of plant drugs, small proportions of salicylic acid and an iron compound, aromatic flavor, and water; that Ru-Co Skin Remedy was a yellow-white salve containing chiefly petrolatum and methyl salicylate; that Sex-Co Restorative Tablets contained chiefly ferrous sulphate, zinc phosphates, strychnine, and plant extractive material (apparently damiana), coated with calcium carbonate and talc, and colored red; that 7As Pain Killer was a solution of methyl salicylate in petroleum distillate; that Cly-Tone Pain Killer was essentially light petroleum distillate containing approximately 3 percent of methyl salicylate; that 7As Iron Tonic was a dark brown liquid containing chiefly water, magnesium sulphate, iron, chlorides, salicylic acid, plant extractive material, and flavoring; that Ru-Co The Wonderful Health Laxative consisted chiefly of dehydrated Glauber's and Epsom salts.

LaClyde Lemon Vegetable Soap was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that the article was not what it was represented to be, namely, an antiseptic.

The same article was alleged to be misbranded in that the statement borne on its box label, to wit, "Antiseptic \* \* \* Properties", was false and misleading; and in that the label on its box bore false and fraudulent statements that the article was effective, among other things, as a treatment for skin imperfections and pimples.

Liberty Liniment was alleged to be misbranded in that its bottle label and carton bore false and fraudulent statements that the article was effective, among other things, as a treatment, remedy, and cure for pains such as rheumatism, toothache, lame back, stiff, sore, and swollen joints, and sore feet.

Cly-Tone Tonic was alleged to be misbranded in that its bottle label and carton bore false and fraudulent statements that the article was effective, among other things, to insure health; effective as a treatment for chronic constipation, indigestion, blood, stomach, kidney, and functional disorders of the liver; and effective as a first aid in ailments of the stomach, blood, liver, or kidneys.

Ru-Co Female Tonic was alleged to be misbranded in that its bottle label bore false and fraudulent statements that the article was effective, among other things, as a female tonic; and effective in the treatment of painful menstruation, too frequent menstruation, leucorrhea (or whites), nervousness, nausea, irritation, pains in back, swelling of limbs or joints, cramps, and pains caused by pregnancy.

LaClyde Lucky Bleaching Ointment was alleged to be misbranded in that its box label bore false and fraudulent statements that the article was effective, among other things, to remove pimples, bumps, tetter, and eczema.

Liberty Nerve and Gland Treatment was alleged to be misbranded in that its box label bore false and fraudulent statements that the article was effective, among other things, as a treatment for nerve and gland ailments; effective as a body builder; and effective to insure strength and energy.

Liberty Tonic was alleged to be misbranded in that labels of its bottle and carton bore false and fraudulent statements that the article was effective, among other things, as a treatment for ailments of the kidney and bladder; effective as a great body builder; effective as a blood purifier; and effective as a treatment for indigestion, and as a first aid for ailments of the stomach, blood, liver, or kidneys.

Ru-Co Skin Remedy was alleged to be misbranded in that the label of its jar bore false and fraudulent statements that the article was effective, among

other things, as a skin remedy; effective as a treatment, remedy, and cure for pimples, bumps, itch, eczema, sore, tender and inflamed feet, itch between toes and fingers, face blemishes, blotches on face and neck, old sores, tetter, and skin complaints.

Sex-Co Restorative Tablets were alleged to be misbranded in that the box bore false and fraudulent statements that the article was effective, among other things, as a stimulant and aphrodisiac; effective to insure strength and energy; and effective as a restorative.

7As Pain Killer was alleged to be misbranded in that labels on the bottle and carton bore false and fraudulent statements that the article was effective, among other things, as a pain killer; and effective as a treatment, remedy, and cure for pains such as rheumatism, toothache, lame back, stiff, sore and swollen joints, and sore feet.

Cly-Tone Pain Killer was alleged to be misbranded in that the labels of its bottles and cartons bore false and fraudulent statements that the article was effective, among other things, as a pain killer; and effective as a treatment, remedy, and cure for pains such as rheumatism, toothache, lame back, stiff and sore joints, and sore feet.

7A's Iron Tonic was alleged to be misbranded in that labels on the bottles and cartons bore false and fraudulent statements that the article was effective, among other things, as a tonic; effective as a treatment, remedy, and cure for indigestion, stomach, kidney, and functional disorders of the liver, the true cause of blood troubles and many other diseases of the body; effective as a first aid to health; and effective as a treatment, remedy, and cure for chronic constipation and indigestion, the true cause of many diseases, such as stomach, kidney, liver, and blood troubles, and many other functional disorders of the body.

Ru-Co The Wonderful Health Laxative was alleged to be misbranded in that labels of its bottles bore false and fraudulent statements that the article was effective, among other things, as a health laxative; effective to aid in freeing the body of harmful waste material and toxic poisons, and to aid in correction of certain conditions causing sallow skin, pimples, and unsightly blotches; and effective to help reduce abnormal weight.

On September 20, 1935, a plea of guilty was entered and a fine of \$1,022.72 was imposed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25083. Misbranding of American Desert Tea. U. S. v. Russell A. Treacy and William Francis Newgrass, officers of the American Desert Tea Co., Inc., a corporation. Pleas of guilty. Treacy fined \$150; Newgrass, \$100. (F. & D. no. 33905. Sample nos. 40598-A, 56338-A, 56339-A, 60670-A.)**

Unwarranted curative and therapeutic claims were made for this product.

On June 7, 1935, the United States attorney for the Southern District of California, acting on a report by the Secretary of Agriculture, filed in the district court an information against Russell A. Treacy and William Francis Newgrass, secretary and acting manager, respectively, of the American Desert Tea Co., Inc., a corporation theretofore existing under the laws of California, and having a place of business at Los Angeles, Calif., and two others, alleging shipments by the several defendants, in violation of the Food and Drugs Act, on or about August 7 and October 18, 1933, and February 16, 1934, from Hollywood, Calif., to places in several other States, of quantities of American Desert Tea which was misbranded. The article was labeled in part: (Carton) "American Desert Tea Trade Mark Reg. U. S. Pat. Off. \* \* \* The Original Desert Nature Drink."

Analysis showed that the material contained in the article consisted essentially of a dry cut herb identified as a species of *Ephedra*.

The information was in 11 counts. The case was dismissed as to one of the two defendants who are unnamed in this notice of judgment, and as to the other thereof there has been no judgment on any count. All counts, excepting counts 1 and 3, were dismissed with respect to defendant Treacy, and all excepting count 7 were dismissed with respect to defendant Newgrass.

In the first count of the information, the article was alleged to be misbranded in that its cartons bore, and a circular enclosed in the cartons contained, false and fraudulent statements that the article was effective, among other things, as a health food; effective as a treatment, remedy, and cure for